

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

WILLIAM ALLEN,

Plaintiff,

VS.

NORTHERN DISTRICT OF
CALIFORNIA,

Defendant .

No. C 05-2251 JSW (PR)

TRANSFER ORDER

(Docket Nos. 2, 4)

Plaintiff is a state prisoner currently incarcerated at California Men's Colony located in San Luis Obispo, California. He filed this civil rights action in the United States District Court for the Northern District of California on June 2, 2005. The complaint, while largely incomprehensible, apparently challenges his arrest by parole officers in Long Beach, California in July, 2004. Plaintiff has also filed two motions seeking to proceed in forma pauperis (docket nos. 2, 4).

Plaintiff's complaint was not filed in the proper district. When jurisdiction is not founded solely on diversity, venue is proper in the district in which (1) any defendant resides, if all of the defendants reside in the same state, (2) the district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought. 28 U.S.C. § 1391(b). Where a case is filed in the wrong venue, the district court has the discretion either to dismiss the case or transfer it to the proper federal court “in the interest of justice.” 28 U.S.C. § 1406(a). Venue may be

1 raised by the court sua sponte where the defendant has not yet filed a responsive
2 pleading and the time for doing so has not run. *Costlow v. Weeks*, 790 F.2d 1486, 1488
3 (9th Cir. 1986).

4 It is apparent from this Court's review of the complaint that Plaintiff alleges
5 events occurring within the venue of the Central District of California. Therefore, the
6 Court will transfer this action to the United States District Court for the Central District
7 of California. Accordingly, IT IS ORDERED in the interest of justice, and pursuant to
8 28 U.S.C. § 1406(a), that this action be TRANSFERRED to the United States District
9 Court for the Central District of California. The Clerk of the Court shall transfer this
10 matter forthwith.

11 IT IS SO ORDERED.

12 DATED: November 9, 2005

13 
14 Jeffrey S. White
UNITED STATES DISTRICT COURT JUDGE